

Article - Public Utilities

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§5–204.

(a) This section does not apply to:

(1) a municipal corporation, sanitary district, or other unit of government;

(2) an individual, for the construction of a water system or sewage disposal system for the individual's personal or private use; or

(3) a group of individuals for their joint personal or private use, unless the Commission finds that the joint use is for the purpose of generally serving a proposed new housing development.

(b) Without the prior authorization of the Commission, a person may not construct a water system or sewage disposal system for public use.

(c) (1) The Commission may authorize the construction of a water system or sewage disposal system for public use only on a finding that the construction of the water system or sewage disposal system is in the public interest.

(2) In determining whether the proposed construction of the water system or sewage disposal system is in the public interest, the Commission shall consider:

(i) the financing plans for the proposed construction; and

(ii) other pertinent facts and circumstances.

(d) An applicant for authorization to construct a water system or sewage disposal system:

(1) shall fully disclose to the Commission the financing plans for the construction; and

(2) has the burden of proof to satisfy the Commission that the construction is in the public interest.

(e) (1) After a hearing, the Commission may revoke an authorization to construct a water system or sewage disposal system if the Commission finds that the revocation is in the public interest.

(2) An order of revocation may be appealed in accordance with § 3-204 of this article.

(3) Subject to action of the Commission under § 3-205 of this article, the filing of an appeal does not stay an order of revocation.

(4) After the Commission issues an order of revocation, the water system or sewage disposal system may not be operated until the revocation is repealed by:

(i) the Commission; or

(ii) the final disposition of an appeal from the order of revocation.

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